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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,937	03/11/2004	Richard Barnett Allen	AUS920030983US1	6911

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EXAMINER	
PHAM, HUNG Q	

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,937	Applicant(s) ALLEN ET AL.	
	Examiner HUNG Q. PHAM	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In view of the Appeal Brief filed on 04/19/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

A handwritten signature in black ink, appearing to read "Z. J. Jones", is written below the text.

Claim Objections

Claim 18 is objected to because of the following informalities: claim 18 cannot be a dependent claim by itself, e.g. *The data processing system of claim 18*. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8 and 15, the clause, *the identified interests* (lines 9, 11 and 13), references to other items in the claims. It is unclear what item is being referenced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-11, 13-18 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kerschberg et al. [USP 7,117,207 B1].

- Regarding claims 1, 8 and 15, Kerschberg et al. teaches a method, program and system for *delivering a webpage* (Abstract) comprising:

- receiving a hierarchical data set of interests identified by a user* (FIG. 10, Col. 6 Lines 45-57, a WSTT tree model as *a hierarchical data set of interests* for buying office equipments is identified by a user);

- storing the hierarchical data set of interests in a database entry associated with the user* (The WSTT is stored in the WSTT base in XML format (Col. 15 Lines 15-17). As in FIG. 13 the user WSTT is stored under Businessman Problem entry of WSTT base as *database entry*. The WSTT is associated with a particular user using user profile (Col. 11 Lines 19-32));

- parsing the hierarchical data set* (The WSTT is *parsed*, e.g., decomposed, into a set of paths from root to each leaf node (Col. 8 Lines 58-59));

- extracting one or more keyword attribute values from the hierarchical data set in response to the parsing of the data set and a pre-selected granularity value* (Combination of terms as *one or more keyword attribute values* is generated by selecting one term from the positive concept term as *a pre-selected granularity value* after decomposing the WSTT as *parsing of the data set* (Col. 8 Lines 60-64));

- applying extracted keyword values to filter content for delivery to the user* (Col. 8 Lines 63-64, the terms are applied to the search engine as *filter content*); and

- delivering a webpage that is personalized for the user according to the identified interests* (FIG. 13, Col. 16 Lines 32-39).

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Regarding claims 2, 9 and 16, Kerschberg et al. teaches all of the claimed subject matter as discussed above with respect to claims 1, 8 and 15, Kerschberg et al. further discloses *the hierarchical data set comprises an XML document* (Col. 15 Lines 15-17).

Regarding claims 3, 10 and 17, Kerschberg et al. teaches all of the claimed subject matter as discussed above with respect to claims 1, 8 and 15, Kerschberg et al. further discloses the steps of *pre-populating a Web content search form page using extracted keyword values; and returning the Web content search form page to the user* (FIG. 13).

Regarding claims 4, 11 and 18, Kerschberg et al. teaches all of the claimed subject matter as discussed above with respect to claims 3 and 10, Kerschberg et al. further discloses the steps of *receiving the Web content search form from the user, wherein the received search form includes one or more pre-populated data, zero or more additional user-supplied search terms and at least one Boolean search indicator for determining the combination of search terms for performing a search* (Col. 2 Lines 36-39).

Regarding claims 6, 13 and 20, Kerschberg et al. teaches all of the claimed subject matter as discussed above with respect to claims 1, 8 and 15, Kerschberg et al. further discloses *if no keyword attribute is associated with an interest, using a value attribute of the interest as a default keyword* (Col. 7 Lines 22-46).

Regarding claims 7 and 14, Kerschberg et al. teaches all of the claimed subject matter as discussed above with respect to claims 1 and 8, Kerschberg et al. further discloses *the pre-selected granularity value corresponds to a root-to-leaf level in the hierarchical data set of identified interests* (Col. 8 Lines 68-64).

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Regarding claims 21-23, Kerschberg et al teaches all of the claimed subject matter as discussed above with respect to claims 1, 8 and 15, Kerschberg et al. further discloses *the webpage is a portal page associated with the user and provided by a portal* (FIG. 13, Col. 16 Lines 32-35).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM
Primary Examiner
Art Unit 2168

July 26, 2007